

July 10 2008

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA**RAYMOND LAW OFFICE, PLLC**

James Raymond, Attorney & Counselor at Law

407 First Street West - Polson, Montana 59860

406.883.5588

FAX 406.883.5582

Jamesraymond @ centurytel.net

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Montana Supreme Court
Box 203003
Helena, MT 59620-3003
Sent by Facsimile to 406-444-3274

FILED

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Re: Proposed 2008 Montana Code of Judicial Conduct

Dear Honorable Justices:

Ed Smith

CLERK OF THE SUPREME COURT

I have just been made aware of the proposed judicial conduct rule changes and am in total agreement with the opinion of proposed Rule 3.10. I am opposed to the adoption thereof by this honorable Court.

Let me say first that I have great faith in the process by which new rules governing the bench and bar in Montana are carefully considered and written. This Court has always taken the time to seek input from the affected members of the system of justice and for that I am grateful, and hope that what little insight I may be able to offer will aid the Court in that process.

A blanket rule prohibiting limited jurisdiction judges from non-conflict private practice will, I think, do more harm than good. Like many, I take my ethical responsibilities to the system of justice seriously and view my work in many ways as aiding the local courts in the administration of justice, which is precisely how the local courts see it as well. The fact is that Montana is a rural state with a low per-capita of attorneys and especially in smaller communities, comprising the vast majority of Montana counties, many of us must wear many hats in order to see that justice is done in our communities. Few attorneys will be able to serve on the lower benches were it not for the ability to practice privately in non-conflicting cases. Severing some of these cords by prohibiting limited jurisdiction judges from private practice, if licensed, solves no existing definable issue but only reduces, in my mind, the flexibility of the average small-town attorney to effectively assist the system of justice.

Placing needless restrictions on the flexibility of rural lawyers to positively impact the system of justice seems counterproductive. I assume the learned commission that considered and proposed the rule has itself articulated very compelling reasons; yet I must respectfully urge this honorable Court to reject Rule 3.10. That rule make little sense given the realities of practice in Montana's many rural communities.

Respectfully submitted,

Raymond Law Office, PLLC

James Raymond